

21881. Adulteration of celery. U. S. v. Peppers Fruit Co. Plea of nolo contendere. Fine, \$500; sentence suspended. (F. & D. no. 29889. I.S. nos. 18276, 47501, 47502, 52020, 52021.)

This case was based on shipments of celery that bore arsenic, or arsenic and lead, in amounts that might have rendered it injurious to health.

On March 28, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Peppers Fruit Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, in various shipments, between the dates of January 8 and January 20, 1932, from the State of California into the States of Nebraska, Illinois, Kansas, and Missouri, of quantities of celery that was adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic, or arsenic and lead, which might have rendered it injurious to health.

On September 18, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$500. Sentence was ordered suspended for 2 years, at the end of which time suspension to be permanent if defendant had not been guilty of any further offense within the period.

M. L. WILSON, *Acting Secretary of Agriculture.*

21882. Adulteration of evaporated apples. U. S. v. William Austin Claypool and Forrest Felix Hazel (Claypool & Hazel). Plea of guilty. Fine, \$30. (F. & D. no. 29403. I.S. nos. 41247, 41714.)

This case was based on interstate shipments of evaporated apples that were found to be in part insect-infested, decayed, and dirty.

On February 2, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Austin Claypool and Forrest Felix Hazel, copartners, trading as Claypool & Hazel, Springdale, Ark., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 5, 1931, from the State of Arkansas into the State of Missouri, and on or about October 29 and November 2, 1931, from the State of Arkansas into the State of Oklahoma, of quantities of evaporated apples that were adulterated. A portion of the article was labeled in part: "Morning Glory Brand Evaporated Apples Packed by Claypool & Hazel, Springdale, Ark."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable and animal substance.

On January 11, 1934, a plea of guilty to the information was entered, and a fine of \$30 was imposed against the partnership.

M. L. WILSON, *Acting Secretary of Agriculture.*

21883. Adulteration and misbranding of butter. U. S. v. Fergus County Creamery. Plea of guilty. Fine, \$100. (F. & D. no. 29427. Sample no. 178-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On September 16, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fergus County Creamery, a corporation, Lewistown, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 13, 1932, from the State of Montana into the State of California, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Cloverbloom Full Cream Butter * * * Armour's Creameries * * * Chicago, Distributors."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On December 6, 1933, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*